

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : **03-MDL-1570 (GBD)(SN)**

This Document Relates To:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN) and member case
Burlingame, et al. v. bin Laden, et al., Case No. 02-cv-7230 (GBD)(SN)

**CERTAIN PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT
JUDGMENT AGAINST THE TALIBAN AND MUHAMMAD OMAR**

Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased; Kristen Breitweiser; and Caroline Breitweiser, by and through counsel, hereby move for a Final Default Judgment against the Taliban and Muhammad Omar in the amounts previously established, found, and entered as solatium damages in favor of said Plaintiffs against other defendants in this action and as reflected on Exhibit A and Exhibit B.

Said Plaintiffs also seek an award of pre-judgment interest at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of the judgment for damages.

Said Plaintiffs further seek permission to file a future request for an award of punitive damages, and other appropriate damages at a later date.

In support of this motion, said Plaintiffs adopt and incorporate the motions, memoranda, declarations, and exhibits filed by other *Burlingame* plaintiffs in this action at MDL Doc. Nos. 7594-7596 and 7634-7636 in support of such other *Burlingame* plaintiffs' Motions for Default Judgment against the Taliban and Muhammad Omar.

Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased; Kristen Breitweiser; and Caroline Breitweiser, so move on the grounds

that the Complaint and/or Amended Complaints in this action, as well as matters such as service, defaults, and damages findings, were filed, entered, or occurred in favor of said Plaintiffs at times when said Plaintiffs were represented by *Burlingame* plaintiffs' counsel who filed the papers at MDL Doc. Nos. 7594-7596 and 7634-7636. Said Plaintiffs are now represented by the undersigned counsel, who entered as substitute counsel on August 28, 2019, by order of this Court on September 16, 2019. See MDL Doc. Nos. 5017 and 5157.

The facts, and the actions taken by said Plaintiffs' prior counsel, as detailed in the motion, memoranda, supporting declarations, and exhibits at MDL Doc. Nos. 7594-7596 and 7634-7636, support the entry of Default Judgments in favor of said Plaintiffs against the Taliban and Muhammad Omar exactly as they do the other *Burlingame* plaintiffs subject to the motion and supporting papers filed at MDL Doc. Nos. 7594-7596 and 7634-7636.

The Plaintiffs for whom such default judgment is requested are listed in Exhibit A and Exhibit B hereto, together with the solatium damages findings previously entered in *Burlingame*.

Date: February 1, 2022

Respectfully Submitted,

/s/ Dennis G. Pantazis

Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB LLC
The Kress Building
301 Nineteenth Street North
Birmingham, Alabama 35203
(205) 314-0500
dgp@wigginschilds.com

*Attorney for Plaintiffs Kristen Breitweiser, as
Personal Representative of the Estate of Ronald
Breitweiser, Deceased, Kristen Breitweiser, and
Caroline Breitweiser*